

REPLY UNDER 37 C.F.R. §1.116EXPEDITED PROCEDURETECHNOLOGY CENTER ART UNIT 2134

Attorney Docket: 061047-0265650

Client Reference: SB-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 6203

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FRANKEL ET AL.

SEP 17 2004

Application No.: 09/503,181

Group Art Unit: 2134

Filed: February 14, 2000

Examiner: T.M. HO

Title: CRYPTOGRAPHIC CONTROL AND MAINTENANCE OF ORGANIZATIONAL  
STRUCTURE AND FUNCTIONS

September 17, 2004

RESPONSE PURSUANT TO 37 C.F.R. §1.116

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In reply to the Office Action mailed June 17, 2004, reconsideration of the rejection in view of the remarks below is requested.

Rejection under 35 U.S.C. §112

The Office Action rejected claim 1 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. Specifically, Examiner argues that "the specification fails to illustrate how the method for control and maintenance of an operational organization structure is "electronically" implemented." Applicants respectfully traverse the rejection.

Applicants respectfully submit that the application amply describes the claimed method for control and maintenance of an operational structure and clearly and fully describes the computer hardware and software to enable a person skilled in the art to make

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FRANKEL ET AL. - 09/503,181  
Client/Matter: 061047-0265650

and use the claimed invention without undue experimentation. In other words, the specification and drawings set forth in a clear, concise and exact manner apparatus that can be used to "electronically" practice the claimed invention. For example, Applicants refer the Examiner to page 1, lines 19-24 and page 2, lines 2-7 of Applicants' specification for a description of how the claimed invention may be applied in a computer system using electronic data and electronic transactions. Further, Applicants refer the Examiner to, for example, page 2, lines 16-20, page 4, lines 12-22, page 11, lines 15-22, page 15, line 10 to page 16, line 2, page 18, lines 3-6, page 19, lines 8-19 and the drawings for description and explanation of how the claimed invention may be implemented using computer hardware and software. With the teachings in the application, such as the state and flow diagrams, the associated disclosure in the specification and the specific description of applicable computer technology in the specification, a person skilled in the art should be able, without undue experimentation, to make and use the claimed invention, in particular to "electronically" practice the claimed invention.

Examiner further argues that "any subject matter illustrating how the method for control and maintenance may be implemented electronically are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure." At the outset, Applicants respectfully submit that the Examiner has failed to specify the subject matter that is "critical or essential" or provided any specific reasoning sufficient as a proper basis for this rejection. *See, e.g.,* In re Armbruster, 185 USPQ 152 (CCPA 1975), In re Lee, 61 USPQ2d 1430 (Fed. Cir. 2002). Notwithstanding the insufficiency of the rejection, Applicants submit that the specific subject matter illustrated in the specification and drawings to implement the claimed method electronically are not critical or essential to the practice of the claimed invention. As would be appreciated by anyone skilled in the art, any computer hardware, computer software, or combination thereof may be used to practice the claimed method.

Therefore, for at least the above reasons, Applicants submit that claim 1 is patentable under 35 U.S.C. §112, first paragraph. Thus, the rejection of claim 1 is traversed and claim 1 is allowable.